

OVERTIME MODEL POLICY

(Revised and Effective 7/1/04)

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

General Policy on the Use of Overtime

The use of overtime should be an exception to the regular work schedule in any unit. An employee should only be required to work overtime on an occasional basis to meet a sudden increase in the workload, to overcome productive time lost due to some mechanical failure, or to meet the demands of a crisis situation.

When any unit and/or individual is found to be consistently charging overtime, the functions of that unit and/or individual should be reviewed by appropriate management. Every attempt should be made to avoid the repetitive and chronic use of overtime.

It shall be the responsibility of each manager to determine that the provisions of this policy are administered in the best interest of the Agency. Although each manager is responsible for the requesting of overtime, it is equally important to control unauthorized overtime. Unauthorized work shall be counted as hours worked if the responsible manager could have stopped it but did not, or if he/she knows or has reason to know of this practice.

Exempt/Nonexempt Status Under The Fair Labor Standards Act

Exemptions from both the minimum wage and overtime pay requirements of the Fair Labor Standards Act for any employee in a bona fide executive, administrative, or professional position shall be determined by the Agency Head or his/her designee. All other employees shall be nonexempt. Each section shall be advised of those determinations which apply to its employees.

Minimum Wage

All nonexempt employees must be paid not less than the current minimum wage.

Compensation

Compensation of all employees is based on forty (40) hours per week or 2080 hours per year.

The Workweek

The normal workweek for the Agency shall be 37.5 hours. However, employees shall not receive additional compensation for hours worked between 37.5 and 40.0 hours per workweek. Employees shall not receive compensatory time for hours worked between 37.5 and 40.0 hours per workweek. For record keeping purposes, the workweek begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday. Any employee may be required to work up to forty (40) hours per workweek without additional compensation.

Hours Worked

Hours worked include all time that the employee is required to be on duty or at the prescribed workplace and all time during which the employee is permitted to work. This includes any bona fide work which the employee performs on or away from the premises if the supervisor knows or has reason to believe that the work is being performed.

Regular Rate

The regular rate of pay includes all remuneration for employment paid to an employee to include base pay, longevities, and shift differentials.

Hourly Rate Employees

The hourly rate is the “regular rate” for hourly employees. This rate is calculated by dividing the annual salary by 2080 hours. Hourly employees shall be compensated for all hours worked. Because only salaried employees can be exempt, all employees compensated on hourly rate basis must be classified as nonexempt.

Holidays

A nonexempt employee who is required to work on a legal holiday shall be given compensatory holiday leave credits in accordance with Section 19-708.03 of the State Human Resources Regulations; however, time worked on a legal holiday shall be used in computing total hours worked.

Overtime/Compensatory Time May Not Be Waived (Off the record adjustments)

The requirements that overtime pay must be paid or compensatory time granted to nonexempt employees after 40 hours of work in a workweek shall not be waived by agreement between the supervisor and the employee.

Adjusted Workweek

Under warranted circumstances, a nonexempt employee may be allowed to work in excess of the normal workday and may be given time off during the same workweek at the rate of an hour for an hour to avoid working over 40 hours in a workweek. This adjustment is not allowed for hours worked between 37.5 and 40.0 hours during any workweek. This type of work rescheduling precludes working over 40.0 hours in a workweek and eliminates the need for overtime payment.

Exempt Employees

Exempt employees may receive compensatory time off for hours worked, for time spent traveling, or for attendance at lectures, meeting, training programs, etc., in excess of the normal workweek (40 hours per week). (NOTE: If granted, it must not be at a rate greater than one (1) hour of compensatory time for each hour worked in excess of 40.0 in the official workweek and may be at a lesser rate. Exempt employees must not be paid for overtime.)

Holiday/Exempt Employees

An exempt employee who is required to work on a legal holiday shall be given compensatory leave credits in accordance with Section 19-708.03 of the State Human Resources Regulations.

On Call

If an employee who is on-call is not confined to his or her home or any particular place but is required only to leave word where he or she can be reached, the hours spent on-call are not regarded as working hours.

Meal Periods

A bona fide meal period of thirty (30) minutes or more which occurs during the scheduled workday is not hours worked if the employee is completely relieved from duty for the purpose of eating a meal. For this Agency, the meal period (lunch period) is one (1) hour each workday.

Rest Periods

Rest periods or “coffee breaks” of short duration must be counted as hours worked. One morning and one afternoon “coffee break” of no more than fifteen (15) minutes each is permitted. Breaks shall not be used to allow an employee to come in late, to leave early, or to extend the lunch period.

Leave Status

Time spent in leave status is not considered hours worked.

Travel Time (Nonexempt)

Travel time for nonexempt employees may be hours worked under some conditions. Ordinary home-to-work travel or vice versa is not working time. All time spent traveling on one-day assignments is considered time worked regardless of time of day or day of the week.

Travel away from home involving an overnight stay for nonexempt employees is considered time worked when it occurs during the employee's normal working hours. This provision is applicable not only on regular working days, but also during the corresponding hours of non-working days.

Lectures, Meetings, and Training Employees (Nonexempt)

When a nonexempt employee by reason of official responsibilities is required to attend lectures, meetings, training programs, etc., such time shall be considered work time.

Overtime Pay (Nonexempt)

A nonexempt employee shall be paid no less than one and one-half (1 1/2) times his/her regular rate of pay for all hours worked over 40 in a workweek or granted compensatory time at a rate of one and one-half (1 1/2) hours for each hour of overtime worked. Nonexempt employees shall not receive additional compensation nor compensatory time for hours worked between 37.5 and 40.0 hours per workweek.

Overtime

Overtime is all hours worked in excess of 40 in a seven (7) consecutive day work period.